



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,273	09/05/2000	C. Douglass Thomas	CDTP006	8031

7590

04/07/2004

C Douglass Thomas
1193 Capri Drive
Campbell, CA 95008

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 04/07/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

1

Office Action Summary

Application No.

09/655,273

Applicant(s)

THOMAS, C. DOUGLASS

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12, 16, 17, 19, 20 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-12, 16-17, 19-20, 22-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 2175

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-12, 16-17, 19-20 and 22-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (U.S. Patent 5,898,836) in view of Glogau (U.S. Patent 5,983,351)

Preliminary Note: The first sequentially numbered independent claim is claim 19. Accordingly, claim 19 shall be addressed first, followed by the remaining claims in sequential order.

Claim 19: Col. 6, lines 49-50 of Freivald et al. outline the steps of registering a web page document and periodically refetching the document. The re-fetched document is compared to the originally registered document. The result of the comparison is a change indication (a change in a calculated CRC value, col. 6, lines 60-67). In response to a sufficient degree of change in the CRC value, a determination is made for the need of an update action. The update action may a correction links on the stored page (col. 13, line 65 through col. 14, line 10).

Freivald et al. differs in that it does not disclose the websites as having any copyright registration or the steps of updating a United States copyright registration.

However, Glogau et al. teaches the general principle that a website may be copyrighted. In addition, Glogau teaches the concept of reviewing website content and then subsequently generating the form to initiate a United States copyright registration.

Art Unit: 2175

It would have been obvious to one of ordinary skill in the art to modify Freivald et al. to incorporate copyright registered documents in order to facilitate the protection of the intellectual property in those documents. It would further have been obvious to modify Freivald et al. to add a copyright registration functionality to the web management system of Freivald et al. in order to provide intellectual property protection to the reviewed web documents as taught by Glogau.

Claim 6: Freivald et al. discloses the steps of identifying an address location (col. 6, lines 49-50); periodically crawling the address to determine content change (col. 6, lines 51-52); and determining a degree of change (col. 6, lines 38-40) as compared to a prior website. When a degree of change exceeds a certain threshold, a determination is made that a certain action must be taken. Glogau et al. teaches that such an action may be a copyright registration.

Claim 7: When the action is taken, a notification to a contact is made (col. 6, lines 65-67 of Freivald et al.).

Claim 8: The notification may be an e-mail notification (col. 6, lines 65-67 of Freivald et al.).

Claim 9: The e-mail notification can include information on the amount of content change that has occurred (col. 12, lines 21-27 of Freivald et al.).

Claim 10: The system of Freivald et al. can indicate where the changes to the document have occurred. For example, changes to specific hyperlinks (col. 13, line 65- col. 14, line 9) on a page can be indicated to the user.

Claim 11: Freivald et al. teaches that when a certain degree of change is detected, a certain action must be taken. Glogau teaches the action to be one of performing a United States copyright registration.

Art Unit: 2175

Claim 12: Glogau teaches that a copyright registration is performed, and that the registration may be on-line and interactive (col. 7, lines 9-14 of Glogau).

Claim 16: See remarks for claim 12.

Claim 17: Glogau refers to the registration of an entire website and its individual components (col. 2, lines 46-49). Thus, registering one of these types of works can be designated as a "previous registration" and the other, a subsequent registration. A registration of a website will inherently reference at least some of the website components.

Claim 20: See remarks for claim 7.

Claim 22: See remarks for claim 8.

Claim 23: The copyright registration is authorized to be performed when it is initiated. The steps that initiate the copyright registration are the authorization steps.

Claim 24: See remarks for claim 19. Note that the system of Freivald et al. can initiate more than just one single copyright registration. Any copyright registration initiated which is subsequent to some previously initiated registration is a subsequent registration.

Claim 25: See remarks for claim 23.

Claim 26: See remarks for claim 23. There is no apparent patentable distinction between an authorization and a pre-authorization since the claim does not give any indication of event sequence (i.e. the claim does not state what the pre-authorization is prior to).

Claim 27: See remarks for claim 7.

Claim 28-29: See remarks for claim 8.

Claim 30: See remarks for claim 9.

Claim 31: See remarks for claim 10.

Art Unit: 2175

Remarks

Applicant's arguments are primarily to the effect that neither Freivald et al. nor Glogau teach a method or system for updating copyright registration. This argument has been considered, but this feature is believed to be taught by the references of record.

Freivald et al. teaches the concept of establishing a change detection tool that crawls web pages and determines that a certain action must be taken when sufficient change has occurred to the crawled document. Glogau teaches crawling web documents as well, and further teaches that a copyright registration is an action that can be taken with respect to such documents.

Examiner maintains that initiating a copyright registration, even if it is the first registration made to the document constitutes an update to that document.

In addition, Glogau teaches that separate copyright registration can be made for different parts of the same page. Thus, if a single part of a page is copyright registered, the registration of the entire page would constitute an update.

Furthermore, Glogau does not disclose a system that "self-destructs" after one attempted registration. The system of Glogau is clearly capable of making repeated registrations, even of the same document or document portion.

This office action is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175